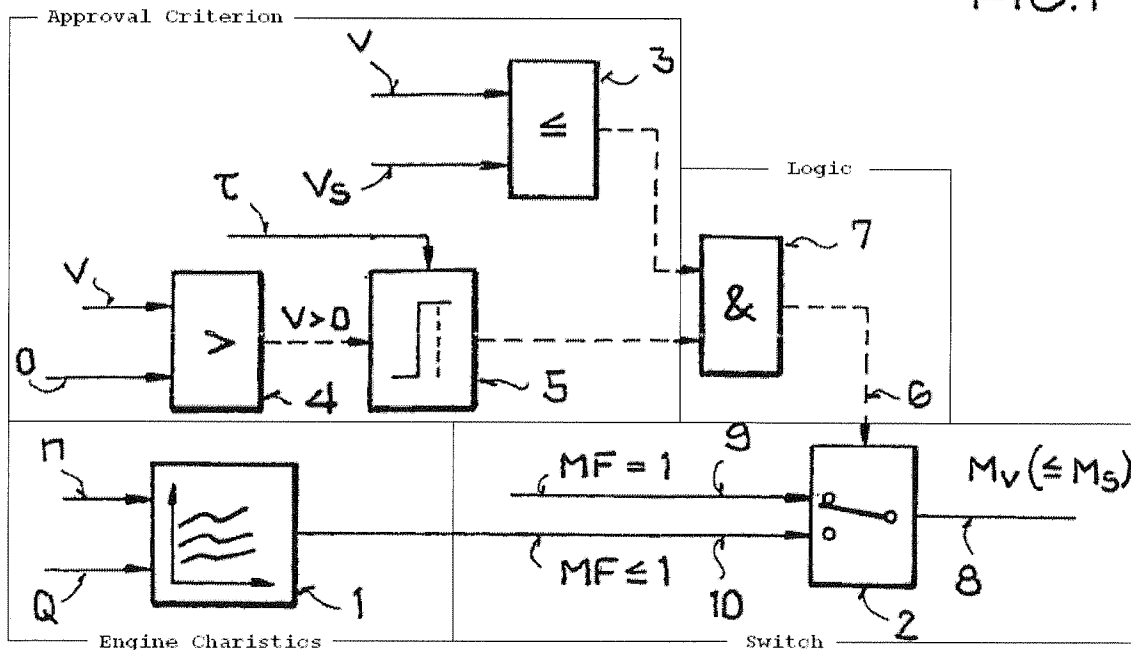


Remarks

Reference characters have been deleted from the claims.

Claim 1 is directed to a method for controlling the engine of a motor vehicle having a manual transmission, wherein "when at least one approval criterion is satisfied for an engine torque ...." Nothing occurs according to the present invention unless at least one approval criterion is satisfied for an engine torque. As illustrated in Figure 1, reproduced below, the approval criterion can be, for example, the start-up or initial rolling of the vehicle. In other words, whether the driving speed  $v$  is greater than 0. This can be checked at comparator 4. Comparator 3 can check whether a speed threshold  $v_s$ , for example 35 km/hr, is reached. Only when all approval criteria are met, does logic element 7 deliver a signal to the switching element 2.

FIG. 1



Independent claims 1 and 5 include the phrase "when at least one approval criterion is satisfied for an engine torque ...." Thus, according to the claimed invention, the approval criterion is a function of engine torque. For example, the speed threshold can be a function of the engine torque.

At column 3, lines 14 – 16, Hess explains, "the basic idea of the invention is that a torque desired value, which is present, is separated into a desired value for the charge

path and the ignition angle path.” Hess does not provide any approval criterion.

According to Hess operating variables are supplied to the control unit 10 via input lines 20, 22, and 24 to 26. The operating variables can include a desired torque value, a signal representing a degree of actuation  $\beta$ , engine speed, engine load, and engine temperature (See column 2, lines 36 – 55). These operating variables are never compared to approval criterion. According to Hess, the operating variables are separated into a desired torque value for the charge path and a desired value for influencing the metering of fuel and/or the ignition angle. Since Hess does not provide any approval criterion, Hess clearly does not provide an approval criterion that is a function of engine torque.

The Office action asserts “Miact corresponds to the claimed engine torque and the operating variables sent to the ECU corresponds [*sic*] to the criterion.” Applicants respectfully disagree. Figure 6c of Hess merely shows a time dependent trace of the actual torque (Miact) to illustrate the effect of Hess’s invention. The operating variables sent to control unit 10 are not approval criterion. As discussed above, Hess does not provide any approval criterion.

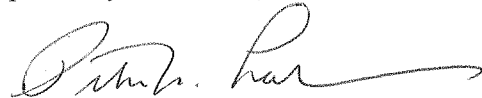
Tabata, Yoshida, and Mabuchi are not cited to compensate for the above-discussed shortcomings of Hess. Favorable reconsideration is respectfully requested.

The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

NOVAK DRUCE & QUIGG, LLP  
1300 Eye St. N.W.  
Suite 1000 West  
Washington, D.C. 20005  
Telephone: (202) 659-0100  
Facsimile: (202) 659-0105

Date: March 8, 2010

Respectfully submitted,



Peter N. Lalos  
Registration No. 19,789  
Michael P. Byrne  
Registration No. 54,015

Attorneys for Applicants